UNITED NATIONS

CCPR

International Covenant on Civil and Political Rights

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14 January 1998

ORIGINAL: ENGLISH

HUMAN RIGHTS COMMITTEE

Fifty-sixth session

SUMMARY RECORD OF THE 1495th MEETING

Held at Headquarters, New York,
on Monday, 1 April 1996, at 3 p.m.

Chairman: Mr. AGUILAR

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (continued)

Initial report of Nigeria (continued)

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96-80445 (E)

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (continued)

Initial report of Nigeria (continued) (CCPR/C/42/Add.2)

Right to life, liberty and security of the person and right to a fair trial (articles 6, 7, 9 and 14 of the Covenant) (section I of the list of issues) (continued)

1. At the invitation of the Chairman, Mr. Yadudu and Mr. Otuyelu (Nigeria) took places at the Committee table.

2. Mr. FRANCIS asked whether decrees broadcast by radio or television also had to be published in the Official Gazette before they could take effect in law.

3. He asked the representatives of Nigeria when military rule could be expected to end and invited their comments on recent reports from Amnesty International of beatings, torture and ill treatment of prisoners, who were held incommunicado under extremely harsh conditions and given very little food.

4. Mr. OTUYELU (Nigeria) thanked the Committee for the professionalism with which it had considered the initial report of Nigeria and noted that some of the information the Committee had received regarding the situation in his country was inaccurate, because the sources were not always objective. He said he and Mr. Yadudu would make every attempt to provide the Committee with accurate information.

5. Mr. YADUDU (Nigeria) thanked the members of the Committee for their candid observations regarding violations of the Covenant in Nigeria and said that he was anxious to hear any suggestions for improving the implementation of its provisions in his country.

6. He disputed the allegations of torture of the Ogoni people. While there had been instances of torture, proceedings were public and recorded and he had heard no reports of prisoners being held incommunicado. He would verify the Committee's allegation that members of the Tribunal and the prosecution lived in the same house.

7. With regard to the jurisdiction of courts, he acknowledged the existence of "ouster clauses" in decrees, but said that they were subject to modification or appeal. When the Guardian newspaper was proscribed by decree in August 1994, the Guardian attempted to appeal the ban before a Federal High Court, but the Court claimed that it no longer had jurisdiction. The Guardian then appealed to a higher court, which overturned the decision of the lower court. Thus, even though decrees contained "ouster clauses", the courts were still required to hear appeals. Furthermore, all the newspapers which had been proscribed in 1994 were currently in circulation throughout Nigeria. A number of decrees to which the Committee had referred predated the country's accession to the Covenant. Decrees promulgated between 1980 and 1987 which remained on the statute books, would be subject to review in the near future.

8. The Committee had raised the issue of the fairness of Ken Saro-Wiwa's trial. It was true that one member of the Civil Disturbances (Special) Tribunal was a member of the military, that the Tribunal had been appointed by the Executive and that there was no right of appeal to the Tribunal's ruling. Nonetheless the trial had been conducted within the limits of domestic law in Nigeria. Two of three members of the Tribunal were judicial officers. Furthermore, the dangers of having a tribunal that could pass a death sentence against which there was no appeal had been well recognized by public opinion in Nigeria.

9. He asked Lord Colville to identify the community alluded to in his question about communal disturbances. The Civil Disturbances (Special) Tribunal had been created in 1987 in the aftermath of communal strife which had led to massive destruction and had threatened the peaceful existence of the communities themselves. It was found that the regular courts did not handle such cases adequately and a decision was made to establish the Civil Disturbances (Special) Tribunal Act. The selection of the cases brought before the regular courts and those that were heard by the Tribunal was not made arbitrarily. Whenever there was a massive civil disturbance between or within ethnic or religious groups, a special investigation panel was established. A decision to establish a Civil Disturbance (Special) Tribunal was then made on the basis of a report on the situation submitted by the panel.

10. In reply to an inquiry regarding the fate of the other suspects who were being tried in the Ogoni 19 trial, he informed the Committee that the trial had been suspended following a court ruling. It was not yet known whether the trial would be resumed before the Tribunal or in the regular courts.

11. Chief Abiola had been arraigned on charges of treason on 23 June 1995 before a Federal High Court after declaring himself the winner of an inconclusive presidential election. His oral request for bail was denied by a Federal High Court judge, who ordered him to apply in the appropriate manner i.e., by entering a motion. Abiola's lawyer appealed the order of the High Court judge to the Court of Appeal. Concurrently, Abiola charged that the judge appointed to hear his case was biased and the judge then withdrew from the case. A new judge was assigned, but before he could proceed with the case, he had to decide on the matters which were being appealed, namely, the issue of bail and whether Abuja was the proper venue in which to try Chief Abiola. Abiola's lawyers then sued the second judge on the ground that he was biased because he belonged to a party which was in opposition to Abiola. As a result, the second judge was withdrawn from the case. In the meantime, the Court of Appeals had granted Abiola bail, but the State appealed that decision, requesting a stay of execution of judgment. His lawyers then appealed to the Supreme Court, but just as the Supreme Court was about to hear Abiola's appeal for bail, his lawyers alleged that seven of the nine Supreme Court justices were biased, thereby impugning their character, including that of the Chief Justice. As a result, those judges had withdrawn from the case. As the situation now stood, Abiola was being detained by court order and had not been granted bail owing to the actions of his lawyers, and not those of the Government.

12. To the best of his knowledge, none of the three people who were allegedly being detained - Mr. Falomé, Mr. Le (Chief Abiola's lawyer) and Mr. Eno - were still in custody. He challenged the allegations of the extrajudicial

executions; notwithstanding Amnesty International's charges, no newspaper in Nigeria had ever mentioned such executions and, in the case of Ken Saro-Wiwa, the Government did not consider that execution to have been extrajudicial.

13. The military had assumed power in view of the special circumstances prevailing in the country and was committed to restoring democracy by October 1998. It had already taken many of the steps it had promised to prepare for a return to democracy: Committees of Reconciliation had been created, the Electoral Commission had recently overseen municipal elections and, on 1 April, political parties would begin to register for elections to be held at the end of 1996. In 1998 the reins of power would be handed over to democratically elected officials.

14. Significant steps had also been taken in the area of human rights. An independent National Human Rights Commission had been created composed of representatives from independent non-governmental organizations, journalists, and individual citizens, to assist in implementing the human rights provisions of the Covenant and other international instruments. An independent fact-finding mission sponsored by and reporting to the Secretary-General was currently in Nigeria and he hoped that its report would help clear up some misunderstandings about the human rights situation in Nigeria.

15. Mr. LALLAH expressed great concern about the criteria for deciding which matters would be tried by special courts, and who would make those decisions. If the "ouster clauses" removed any right of appeal, was that not a violation of guarantees of the independence of the judiciary as provided for in the Covenant? It could hardly be deemed independent when it was chaired by a member of the military whose duty was to carry out the orders of his superior.

16. Mr. MAVROMMATIS had serious reservations about the civil disturbances tribunals. The human rights situation under the current regime appeared to have worsened since the special tribunals dealing with cases of treason were strictly military organs that met in closed session and did not allow the accused legal counsel. Admittedly, the current regime had inherited those institutions from a time when the Covenant did not yet exist, but the President could at least require that they respect the provisions of the Covenant governing the right of appeal, secrecy, calling of witnesses, and legal counsel. In the Abiola situation, it was difficult to understand how the Government could reject recourse to Covenant provisions which could resolve the deadlock.

17. Mr. KLEIN wondered how the courts dealt with decrees which contained provisions like the "ouster clauses" allowing for no appeal as prescribed in the normal judicial process. Could individuals appeal against such decrees?

18. Ms. EVATT wondered how the special tribunal could be reconciled with articles 6 and 14 of the Covenant, when there was no appeal to an independent court and no provision for commutation of sentence or pardon.

19. The delegation had not responded to a number of other concerns. The accused had been kept incommunicado for nine months before charges were laid, had had only restricted access to lawyers and in the long run had not had lawyers of their choice. In the case of The Guardian newspaper, was the Court of Appeal decision based on the validity of the decree itself or simply on its

application? Referring to the question of torture as mentioned in question 1 (c) of the list of issues and paragraph 48 of the report, he pointed out that since torture was a criminal offence, it would be useful to know what investigations of allegations and what prosecutions of charges had been carried out in the past two or three years.

20. Mr. BUERGENTHAL said that he had used the term 'extrajudicial executions' because the death sentences had been imposed by a tribunal conceived by the Executive for a specific purpose, one military member of which was subject to the orders of the military regime. There was no right to appeal its judgments and there were other violations of the Covenant as well. Those were not the characteristics of a tribunal as defined in the Covenant, and a death sentence carried out by decision of such a tribunal was necessarily an extrajudicial execution.

21. Mr. BAN wondered whether, in the case of decrees containing ouster clauses, the ordinary courts had the right to review the jurisdiction of the military courts and whether the accused had the right to request such a review. If so, was there some special procedure and was the court bound to give an answer?

22. Mr. YADUDU replied that torture was illegal, law enforcement authorities had been censured in the past and evidence obtained by force or inducement was inadmissible. With regard to rights of appeal, the courts could review the legality of decrees containing ouster clauses, and individuals could petition the courts. Like any common law jurisdiction, the judiciary had the power to review legislation, including such decrees. In the case of The Guardian he noted that the newspaper had been closed a few days before the decree was actually issued. The decree was backdated, raising the question of its legality, but the trial court had ruled that it had no jurisdiction. Meanwhile, however, the newspaper had obtained an injunction allowing it to reopen, before the decree was issued, and the appellate court later ruled that the decree could not nullify the court order. Thus it was clear that the courts had the right to review the decrees, although courts could differ in exercising that right.

23. As for the question of commutation of sentences, he noted that the tribunal could recommend commutation, although there was no provision for appeal, and in any case none of the accused had asked for commutation. In response to Mr. Buergenthal, he stressed that the tribunal had acted in accordance with Nigerian domestic law, and therefore its death sentence could not be considered to have been an extrajudiciary execution.

24. Referring to questions about the Abiola trial, and the apparently deadlocked proceedings, he said that since Mr. Abiola's lawyers were exhausting every remedy available under the law, the proceedings had ground to a halt and Mr. Abiola's execution had been stayed pending the appeal to the Supreme Court. The Government could not intervene in the judicial process without being accused of bias.

25. The tribunals dealing with treasonable felonies had been created in reaction to a coup attempt in the past and the present regime had extended their jurisdiction to cover civilians involved in treasonable felonies. The special civil disturbances tribunals, of which there had been three, including the tribunal for the Ogoni case, had been created for the purpose of responding to

severe communal disturbances or intra-ethnic strife. After a decision by an investigative panel formed by the Attorney-General to recommend that the President constitute a civil disturbances tribunal, a case was brought before it.

26. Mr. BHAGWATI said that while he appreciated the candour with which the delegation of Nigeria had addressed the Committee's questions, a number of reservations about Nigeria's human rights record persisted.

27. His predominant concern was that the Constitution (Suspension and Modification) Decree No. 107 of 1993 relegated the 1979 Constitution to a subordinate position: the Head of State could override the Constitution, including the fundamental rights enshrined therein, merely by issuing a decree in violation of article 2 of the Covenant. Moreover, the State Security Detention of Persons Decree of 1984 provided for the indefinite detention incommunicado without charge or trial of persons deemed to threaten the security of the State. In that connection, it would be useful to know who had the authority to designate an individual as a security threat. The delegation had maintained that the Decree was inherited from the previous military regime, but instead of repealing it, it had been strengthened by the October 1994 amendment removing the right of habeas corpus in clear violation of article 9, paragraphs 1 and 4 of the Covenant.

28. In connection with the Civil Disturbances (Special) Tribunal Act, under which Ken Saro-Wiwa was tried and convicted, he would welcome more information about the criteria applied to the appointment of members of those tribunals and, more particularly, about whether the Chief Justice was consulted. He also found it difficult to accept the explanation that the unsatisfactory performance of the ordinary courts created the need for special courts. The so-called "ouster clauses" were being used to preclude the possibility of judicial review and appeal. Disturbing reports had also been received indicating that, pursuant to decisions of the Robbery and Firearms Special Provisions Tribunals, over 200 people had been executed since November 1993.

29. Furthermore, there was no right of appeal against the decisions of those tribunals, again in open violation of article 14. The Treason and Other Offences Special Miliary Tribunal Act of 1986 gave the military wide powers to bring persons to trial for "rebellion" - even a peaceful protest could be so designated. Those tribunals were not bound to follow civil procedures, there was no possibility of appeal, the trials took place in secret and defendants had no access to counsel of their own choice.

30. Arbitrary rule by decree had been further consolidated by the enactment of the Federal Military Government Supremacy and Enforcement of Powers Act of 1994, stripping the courts of jurisdiction to challenge Government actions, a clear violation of article 2, paragraph 3, of the Covenant.

31. He was also concerned about the mass public executions which had taken place in July 1995 in violation of article 7 of the Covenant and reports of torture which had been corroborated by several independent sources.

32. Mr. PRADO VALLEJO said that he remained unconvinced that the provisions of the Covenant had been taken into consideration and that the rights it

established were being protected in the internal legislation of Nigeria. His main concern was the practice of legislation by decree, conferring broad powers on the head of State to regulate the daily life of the country. He wondered what treasures were planned in order to bring Nigerian law into harmony with article 2 of the Covenant. The special courts set up by decree of the head of State did not meet the requirements of competence, independence and impartiality under article 14. Neither the executive nor the legislative branch should interfere with the courts, and he inquired how that open violation of the Covenant would be remedied. Moreover, article 14 stipulated that trials should be held in public, which did not seem to be the rule in Nigeria.

33. It was not enough to say that, simply because reports of extrajudicial executions had not been published in the press, they had not taken place. Furthermore, three newspapers which had criticized the Government had been closed down and a number of journalists were currently in detention, in violation of the right of freedom of expression.

34. At the next session, he would welcome more information from the delegation of Nigeria about the status of habeas corpus in Nigerian law, the Government's compliance with the article 14 of the Covenant, and its plans for the investigation of allegations of torture.

35. Mr. POCAR said that he saw serious discrepancies between the Nigerian legal system and the Covenant, especially in the area of the administration of justice. If the administration of justice failed, so would guarantees of fundamental human rights. The Government had an obligation to investigate allegations of human rights violations.

36. He shared the view of Mr. Buergenthal with regard to the characterization of certain killings as extrajudicial executions. In United Nations human rights terminology, summary, arbitrary or extrajudicial were equivalent terms when qualifying executions.

37. He was also concerned by the Civil Disturbances (Special) Tribunals. He strongly recommended that the Government should immediately repeal the decree establishing them. The practice of appointing special tribunals on a case-by-case basis was unacceptable, and it was essential to eliminate them if the rule of law was to be instituted in Nigeria.

38. Mr. MAVROMMATIS said that it was unfortunate that Nigeria had not taken steps, before ratifying the Covenant, to ensure that its domestic legal order was consistent with the Covenant's provisions. He was particularly concerned that persons charged with offences such as robbery and bank fraud could be tried before special tribunals instead of in the ordinary courts. Moreover, there was no provision for the review of sentences imposed by special and military tribunals and courts.

39. Another area of grave concern was the public execution of condemned persons, a practice which he considered barbaric. For its part, death by hanging was a violation of article 7 of the Covenant. While he personally opposed the death penalty, lethal injection was perhaps the most humane way to carry out that sentence in States in which it had not yet been abolished. There were also disturbing allegations of the torture of detainees. He wondered

whether those reports had been investigated and what, if any, action had been taken.

40. Mr. KLEIN said that he hoped that the Nigerian delegation's dialogue with the Committee would help to restore dignity and human rights to the people of that country. Nigeria was an influential country in Africa and the world and it should be mindful of the example it set for other countries in the field of human rights. There were serious defects in its domestic legal order which, in many respects, was incompatible with the provisions of the Covenant.

41. He had not been convinced by the explanations offered by the delegation. It was absolutely essential to strengthen the independence of the judiciary and to repeal the decrees which governed so many aspects of life in Nigeria. While the Committee was forced to rely on third-party sources for information on the situation in the country, some of those sources, such as Amnesty International, were of proven reliability. In any event, the delegation had not attempted to refute the many reports of human rights abuses which the Committee had brought to its attention. The fact of the matter was that Nigeria was currently run by a military Government which ruled by decree and with the aid of special tribunals. A normal situation of democracy clearly did not exist and serious human rights abuses occurred as would be the case in any society in which the rule of law did not prevail.

42. Efforts to remedy the current situation must begin with the restoration of the independence of the judiciary. There were encouraging signs that the Nigerian Government was mindful of the international community's concerns and was prepared to take steps to address them. For its part, the Committee would do everything possible to assist in those efforts.

43. Ms. EVATT said that the report (CCPR/C/92/Add.1) failed to offer an adequate explanation of the framework of power and law in Nigeria. The system in force was clearly incompatible with the rule of law. There was no concept of justice in both its procedural and substantive aspects, and the power wielded by the military was not subject to review. The special and military tribunals as well as the courts simply did not meet the requirements of the rule of law. There was no equality before the law. Persons were detained incommunicado without being charged. The notion of presumption of innocence was disregarded and the right of appeal denied. The reality of the situation on the ground, together with the arbitrary deprivation of life and the numerous allegations of torture, made mockery of the claim in paragraph 109 of the report that Nigerian tribunals acted in conformity with democratic norms.

44. Action to remedy the situation was urgently needed not only in the interests of the victims and the perpetrators of human rights abuses but in order to validate the current regime.

45. Mr. LALLAH noted that Nigerians had lived under democratic regimes for relatively few of the more than 35 years of the country's independence. The ratification of the Covenant in 1993 had marked the start of a new era for Nigeria. Unfortunately, the information contained in the initial report was quite depressing. The President of Nigeria, it was reported, had the authority to suspend by decree not only the national Constitution but also other international instruments to which Nigeria had acceded and which were legally

enforceable in the country. That provision was clearly a violation of article 4 of the Covenant.

46. There were many unanswered questions about how the special tribunals were constituted and whether they operated in a manner consistent with the standards laid down in article 14 of the Covenant. He had grave concerns about the arbitrariness of both the procedural and substantive aspects of the judicial process and wondered how fair that process could be, in reality, if the judges were themselves military officers.

47. Mr. BRUNI CELLI said that Nigeria's size, population and resources imposed special obligations on its Government in the field of human rights. Indeed, its formal ratification of the Covenant not only enhanced its prestige but also increased its obligations. He hoped that the dialogue with the Committee would help it to better fulfil those obligations.

48. It was a strange irony that the military Government had adopted its decrees and established its special and military tribunals at about the same time as it had ratified the Covenant. Indeed, the death sentences handed down by those courts had been commuted only because of the vigorous protests of the international community.

49. Despite the denials of the Nigerian delegation, there were reliable reports of the torture of detainees. Indeed, the practice of detention incommunicado and ill-treatment of prisoners created the conditions under which torture was likely to take place. It would be interesting to know what remedies were available to Nigerians seeking redress for human rights abuses and whether complaints were investigated and the perpetrators punished.

50. Mr. ANDO said that it was distressing to learn that the executive in Nigeria could override by decree both the Constitution and the laws promulgated by the national parliament in situations other than those provided for in article 4 of the Covenant. While the legacy of colonialism partly explained some of the problems currently faced by Nigeria, it by no means exempted that country from complying with the international obligations which it had voluntarily assumed. Indeed, with hard work and political will, it was possible for Nigeria to demonstrate to States with similar backgrounds how those problems could be overcome and human rights safeguarded.

51. Mr. BÁN said that, by arguing that there were no contradictions between the executive decrees and the Constitution, the Nigerian delegation had shown that it still did not appreciate the overriding importance of consistency between the domestic legal order and the provisions of the Covenant. It urgently needed to undertake a comprehensive study on that subject.

52. Mrs. CHANET said that the Nigerian delegation had freely admitted that the country was being run by a military Government, which had suspended the Constitution and ruled by decree. The suspension of the Constitution, however, was an internal matter which in no way exempted the State from its obligation to comply with the provisions of the Covenant.

53. Article 4 of the Covenant set out precisely the conditions under which States might derogate from their obligations under the Covenant in time of

public emergency. She noted, however, that no derogation from certain articles, including articles 6 and 15, could be made under that provision. Any State Party to the Covenant availing itself of the right of derogation was required, moreover, to immediately inform the Secretary-General of the United Nations of the provisions from which it had derogated and of the reasons for doing so. In those circumstances, therefore, the current judicial system of Nigeria, including its special tribunals, was inconsistent with the provisions of the Covenant.

54. Mr. YADUDU (Nigeria) said that his delegation had benefited greatly from its dialogue with the Committee and had taken due note of the latter's concerns. He deeply regretted, however, the statement contained in Press Release No. H/CT/455 dated 20 March 1996 that "many Committee members were concerned that the (Nigerian) delegation would seek to 'filibuster' to avoid answering the questions that had led to the Committee's November decision". That statement was most unhelpful, since it was the first time that Nigeria was being asked to submit an initial report. If the Committee could resort to such strong language to seek to persuade Nigeria to submit its initial report, he wondered what drastic measures it contemplated taking to persuade other States Parties which had refused to submit their reports, despite numerous reminders.

55. The Government of Nigeria would cooperate fully in implementing any recommendations which the Committee might wish to make. For its part, however, the Committee should avoid any precipitate decisions or recommendations on the report just presented, given that the Secretary-General was also seized of the matter and had offered to send a fact-finding mission to Nigeria to investigate the Ogoni issue. It might therefore be advisable for the Committee to await the findings of that mission before taking any action.

56. The CHAIRMAN said that he wished to make it clear that press releases were not official documents of the Human Rights Committee and that the views expressed therein did not represent the Committee's position on any issue. He wished to state further that even if any member of the Committee had expressed views like those referred to by the Nigerian delegation, those views did not represent the official position of the Committee.

57. The Committee looked forward to hearing the Nigerian Government's replies to the questions posed in section II of the list of issues at its fifty-seventh session in July 1996.

The meeting rose at 6.10 p.m.

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HUMAN RIGHTS COMMITTEE

Fifty-sixth session

SUMMARY RECORD OF THE 1496th MEETING

Held at Headquarters, New York,
on Tuesday, 2 April 1996, at 10 a.m.

Chairman: Mr. AGUILAR

later: Mr. BÁN
(Vice-Chairman)

later: Mr. AGUILAR
(Chairman)

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ORGANIZATIONAL AND OTHER MATTERS (continued)

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96-80456 (E)

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The meeting was called to order at 10.10 a.m.

ORGANIZATIONAL AND OTHER MATTERS (continued)

Membership of working groups

1. The CHAIRMAN announced that at the July 1996 session, the Working Group on Article 40 would be composed of Mr. Francis, Mr. Kretzmer, Ms. Medina Quiroga, and himself. The Working Group on Communications would be composed of Mr. Bán, Mr. Bhagwati, Mr. Bruni Celli, Mr. Pocar and Mr. Prado Vallejo. For the October session, the members of the Working Group on Article 40 would be Mr. Bhagwati, Lord Colville, Mr. Francis and one other, to be decided. The Working Group on Communications would be composed of Mr. Bán, Mr. El-Shafei, Ms. Evatt, Mr. Mavrommatis and himself.

2. Mr. Bán, Vice-Chairman, took the Chair.

Methods of work of the Committee under article 40 of the Covenant

3. Mr. ANDO, speaking as Chairman/Rapporteur of the Working Group on Article 40, introduced a working paper (CCPR/56/WORKMET/2) containing its draft recommendation on methods of work of the Committee under article 40 of the Covenant. After an introductory background paragraph, the Working Group's conclusions and recommendations were given under six headings: consideration of initial periodic reports (paras. 2-5), concluding observations (para. 6), overdue reports (paras. 7-9), follow-up to the activities under article 40 of the Covenant (paras. 10-11), general comments (para. 12) and States parties' comments on the Committee's concluding observations (para. 13).

4. Paragraph 1 was adopted.

Consideration of initial and periodic reports

5. Mr. ANDO observed that paragraph 2 recommended harmonizing the procedure for dealing with initial and periodic reports by setting aside three consecutive meetings for consideration of initial reports as well, since experience had shown that two meetings could be insufficient. The lists of issues would be divided into the usual three sections, but the questions addressed to States appearing for the first time before the Committee would be broader in scope than usual.

6. It was recommended in paragraph 4 that country rapporteurs should, if possible, be appointed two to three sessions in advance of the one at which a given report was to be considered, and should play a greater role in drafting concluding observations; and a system of alternate rapporteurs was proposed.

7. Mr. BRUNI CELLI, referring to the problem of the backlog of reports owing to deferral by the Committee itself, asked what criteria had been established for determining their priority.

8. Mr. ANDO said that generally an attempt was made to follow the order in which the reports had been received; but if a long overdue report came in, it was given priority, thus inevitably throwing off the timing of the others.

9. Mr. EL-SHAFEI, supported by Mr. BHAGWATI, said that initial reports should be given priority over periodic reports because they were the crucial first contact of the State party with the Committee.

10. He also believed that initial reports required three full meetings, because the Committee knew very little about the countries submitting them; although if two days were sufficient, the Committee should be flexible.

11. Mr. POCAR said that it would be unwise to adopt criteria or even guidelines regarding the order in which the Committee should take up reports, for they would become public knowledge and lead some States to feel slighted if others were given priority. The Committee should make its decisions on a case-by-case basis, allowing it to accommodate special reports or requests by States for a particular session. The aim should, of course, be to do away with the backlog.

12. Mr. TISTOUNET (Secretary of the Committee) recalled that the Committee had a daunting backlog of 18 reports, two of them submitted as long ago as 1994. At the same time, the number of overdue reports had risen to 112.

13. Mr. KLEIN proposed, as a general approach in drawing up lists of issues for periodic reports, that the key issues the Committee wanted to discuss should always be put in section I, so that the real problems in the country could be dealt with most fully at the outset.

14. Ms. EVATT said that she agreed with Mr. Klein's suggestion, since invariably more time was spent on section I than on the others. The recommendation in paragraph 4 would give the country rapporteur an opportunity to form an idea of the issues to be identified.

15. Supported by Mr. BUERGENTHAL and Mr. BRUNI CELLI, she said that while three consecutive meetings were needed to deal with an initial report, experience had shown that not all periodic reports had required a full three meetings. Some could be disposed of in only two meetings, thus advancing the Committee's work.

16. Mr. BHAGWATI observed, with regard to paragraph 2, that when the lists of issues were divided into three sections, members asked questions three times, and that was time-consuming. Perhaps it would be better to have the Committee ask questions once, after all three sections of a list of issues had been addressed by the delegation. Also, in the case of initial reports, the lists of issues should raise broader questions that would enable the Committee to provide guidance to the State party.

17. With regard to paragraph 4, it might not be feasible to appoint country rapporteurs so far in advance. Provided the country rapporteur could work with the help of three or four other members of the Committee appointed on an ad hoc basis - an approach that worked well at the current session - one session in advance might be enough.

18. Mr. BUERGENTHAL said that he agreed with Mr. Bhagwati that three separate rounds of questioning took time away from preparation of the concluding observations, which were the whole point of the exercise.

19. Country rapporteurs could perhaps be appointed two to three sessions in advance and then, as suggested by Mr. Bhagwati, they could use the session just before to work with a small working group, thereby allowing the States parties to receive much broader questions ahead of time and reducing the time spent raising them at the meeting.

20. Mr. BRUNI CELLI said that, as a general rule, the Committee should be flexible about the time it devoted to each report. As things stood, the Committee was actually counting on the dilatoriness of States to be able to cope with the volume of reports. If all 132 States parties submitted their reports on time, there would be 26 reports per year, or 9 reports to be dealt with at each session, which was simply impossible. The Committee should begin rationalizing its work, for the problem was a very real one.

21. Mr. POCAR said that the Committee should work out a system that would allow it to deal with the maximum number of reports in the time available. The Committee's past practice had been to devote two meetings to consideration of initial reports and three to periodic reports. That system had been predicated on the assumption that the initial report represented the Committee's first contact with a State party; a more thorough examination of substantive issues would begin only with the second periodic report.

22. If the Committee harmonized its practice so that the range and depth of issues dealt with during consideration of initial reports was the same as the procedure followed in the case of periodic reports, it would be advisable to devote three meetings to initial reports and two to periodic reports. Such an approach would also save time in that there were fewer initial than periodic submissions.

23. He endorsed the suggestion that section I of a list of issues should deal with the most important questions. The reference in paragraph 2 to the "ordinary three" sections should be replaced with a more general reference to division into sections. The Committee would thus be left free to decide how general or specific the list of issues should be.

24. Mrs. CHANET said that she had suggested looking at the ideas contained in paragraph 2 in the light of experience gained during the current session. The most recent initial reports considered by the Committee had not been representative and she was therefore wary of making fundamental changes to the Committee's procedure for dealing with initial reports. Regarding later periodic reports, all that was needed from the State party was an update which did not require three meetings. She therefore favoured instituting a flexible approach for dealing with periodic reports while keeping the issues raised in initial reports as general as possible.

25. Mr. FRANCIS said that the Committee should not be overly dogmatic regarding the way it considered initial reports. The time it chose to spend on them depended entirely on their contents. However, if all reports were consistent with the published guidelines there would be no problem in considering them

according to the same pattern, and he wondered whether the Committee should do more to encourage a closer adherence to its guidelines.

26. Mr. KLEIN said that he favoured retaining as much flexibility as possible with regard to the consideration of initial reports. The methodology chosen in the case of Nigeria had worked well, but more normal practice would be to deal generally with the position of the Covenant in the State party's legal system in section I of the list of issues, and then move on to the most important issues in section II.

27. Mr. BUERGENTHAL, referring to paragraph 4, assumed that country reports would be translated and made available at least two sessions in advance of the their being considered by the Committee.

28. Mr. TISTOUNET (Secretary of the Committee) said that in principle it would be possible to make reports available well in advance of consideration, but availability depended to a large extent on what reports the Committee chose to take up. In addition, he reminded the Committee that, owing to the precarious financial situation of the United Nations, there had been and would continue to be significant problems in respect of translation and reproduction of documents.

29. The CHAIRMAN said that the various suggestions and comments of members would entail significant changes to the Committee's working methods. He was concerned that not all members of the Committee were present and could not therefore contribute to the debate. Their absence was not too serious, however, since most of the suggestions were simply designed to introduce greater flexibility into the Committee's work.

30. Mr. ANDO summed up by saying that there appeared to be general consensus that more time was needed to consider initial reports, possibly three meetings. The various issues raised during the consideration of such reports needed to be more tightly organized. Nevertheless, the two main areas which had to be dealt with in the consideration of any initial report were the legal framework in which the Covenant operated and the observance of rights guaranteed by the Covenant. With regard to periodic reports, States parties should be asked to concentrate on specific issues peculiar to the country concerned. There seemed to be a consensus that two meetings would suffice for the consideration of each periodic report.

31. The past practice with regard to country rapporteurs had been to appoint them one session in advance of consideration of the relevant report. It would perhaps be possible to appoint them two sessions in advance, but any sooner than that would be impracticable. The idea of alternate rapporteurs did not appear to enjoy wide support, and therefore he suggested that rapporteurs should simply be assisted in their duties.

32. Regarding the order in which reports should be taken up, there seemed to be a general movement towards a more flexible approach. It was also important to deal as fairly as possible with the States parties concerned.

33. Mr. TISTOUNET (Secretary of the Committee) confirmed that the Committee secretariat had noted the following changes in the methodology of considering initial and periodic reports. With effect from the Committee's July session,

three meetings would be devoted to initial reports and two to periodic reports. In paragraph 2 of the recommendations, the words "ordinary three" would be deleted from the third sentence. Mention would be made in paragraph 2 of the general need to adopt a flexible approach to the consideration of reports, and the nature and relative importance of the issues to be dealt with under each section.

34. The reference to "alternate rapporteurs" would be deleted from paragraph 4; country rapporteurs would simply be "assisted by" other members of the Committee. If the Committee intended to adopt the measures outlined in paragraph 4, country rapporteurs for both the July and October sessions of the Committee should be appointed at the current session. The Committee secretariat would then undertake to provide country rapporteurs with background information on the country concerned.

35. Mr. ANDO said that he had been working on the assumption that any changes to the Committee's method of work would be discussed with absent members. He also stressed the importance of letting States parties know about the changes that had been made.

36. Mr. KLEIN said that there was no need to change the guidelines which the Committee issued to States parties. The guidelines merely provided information on how to compile reports.

37. Mr. POCAR reminded the Committee that in the past it had pronounced on the methods it used in considering reports, and any such pronouncements would have to be amended if appropriate. He recalled a document issued in 1989 dealing with the relative importance of issues in connection with third periodic reports, which had merely indicated that such reports should be more precise and concise than previous reports, and should concentrate on new developments or areas that had given rise to concern during the consideration of earlier reports.

38. Mr. TISTOUNET (Secretary of the Committee) said that the two most recent reports of the Human Rights Committee had contained fairly discursive comments on the Committee's working methods and guidelines on how States parties could best comply with those methods. The report of the session would be the most logical place to signal any changes in working methods.

39. The CHAIRMAN said he took it that the Committee wished to adopt the recommendations of the Working Group on the consideration of initial and periodic reports, as orally amended.

40. It was so decided.

Concluding observations (Committee's comments)

41. Mr. ANDO said that paragraph 6 of the recommendations of the Working Group, which dealt with the Committee's concluding observations on States parties' reports, was intended to rationalize the Committee's work and shorten the time spent on such observations. According to past practice, the country rapporteur had prepared the observations and circulated his or her draft among other members of the Committee, who had then had the opportunity to submit changes in

writing. The country rapporteur had then reworked the text taking into account other members' written suggestions. Unless absolutely necessary, it was felt that members should subsequently not be permitted to make oral amendments to the new version. However, the onus was on the country rapporteur to explain why he or she had not incorporated any proposed written amendment into the new draft.

42. Ms. EVATT said that she could accept paragraph 6 as it stood, but that it did not deal fully with the situation. Draft concluding observations were circulated to the members, who suggested any changes that they would like to see made. The rapporteur then produced a revised draft for the plenary. In order to avoid wasting time, when the Committee was given the final draft for adoption, members should be invited to provide the rapporteur with any further draft amendments in writing before the session, and new amendments from the floor should not be allowed during the discussion.

43. The CHAIRMAN said that while the proposal was helpful, it would give rise to technical difficulties.

44. Mr. BUERGENTHAL reminded the Committee that it had previously decided to use the term "concluding observations" rather than "concluding comments" in order to avoid confusion with general comments. Concerning the last sentence in paragraph 6, he agreed that when the final draft was discussed, a new paragraph-by-paragraph discussion tended to begin. If all final amendments were submitted in writing, the plenary Committee could focus exclusively on those.

45. Mr. BHAGWATI remarked that the procedure outlined in the last sentence in paragraph 6 would be difficult to implement unless the revised draft came before the meeting of the Committee, as members must have an opportunity to examine the revised draft. Discussion in the plenary Committee could then be limited, not to issues identified by country rapporteurs, but to issues raised by members in regard to concluding observations.

46. Mr. Aguilar, Chairman, resumed the Chair.

47. Mr. ANDO stated that the Working Group had wanted to suggest that country rapporteurs should submit their reports in good time. A country rapporteur might or might not incorporate suggested amendments into his or her draft, and in either case the rapporteur in question had to explain the reasons to the plenary. Discussion in the plenary could then follow. That was the fairest way. The introduction of last-minute amendments, however, involved the danger of creating confusion.

48. Mr. FRANCIS pointed out that not every idea put forward in response to the first draft received from the country rapporteur could be accommodated in the text. In the event a suggestion was not accepted, it was ordinarily to be assumed that there had been overriding considerations or more important suggestions from other Committee members. If no comment had been made to the country rapporteur, presumably none would be called for in the plenary Committee. After the draft text had been scrutinized by all members, the English version could be issued.

49. Mr. BHAGWATI said that last-minute amendments were not the issue; the important point was that the general observations should reflect the dialogue

between the Committee and the delegation of the country concerned. Discussion in plenary meeting could then be limited to issues raised by Committee members during that dialogue. However, if a member felt that something had been left out, he or she should be allowed to introduce it in plenary meeting. Ideally, the revised draft should be brought before the plenary Committee the day before the concluding observations were taken up for discussion.

50. Mr. EL-SHAFEI said that during the session, the Committee had devised a new method whereby four or five Committee members had concentrated on each country report. The method had worked well, with each group producing a good clean text in short order. All that remained was observations by other members who had not participated in such smaller groups. They should contribute their observations during the preparation of the final text, before it came to the floor. The members would then have an opportunity of examining all amendments in good time, and a clean text could be brought before the Committee, which would save time. He suggested that the final sentence in paragraph 6 be amended by insertion of the words "as suggestions which have not yet been approved" after "country rapporteurs".

51. Mr. FRANCIS pointed out that the Committee's closing remarks, i.e. the paper that was sent to the State party concerned, would have been seen by anyone who had attended the meetings and would be deemed to carry the weight of the Committee's authority. Seldom was a comment attributed to an individual member of the Committee. Consequently, a country rapporteur would ordinarily identify the concluding observations as having been the subject of consensus.

52. Mr. BUERGENTHAL said that there was a twofold problem with the last sentence of paragraph 6. In the first place, there was a need to deal with proposed amendments which the country rapporteur had not accepted; they should certainly be taken up. In the second place, changes to the draft resulting from amendments which the rapporteur had taken up should also be considered. Both points could be adequately addressed by referring specifically to "amendments which the country rapporteur could not accept, as well as to issues which, because of amendments taken up by the rapporteur, changed some provisions of the draft" in the last sentence.

53. The CHAIRMAN recalled that the discussion of final observations at the end of each session took up a good deal of time. One idea for expediting matters was that each time the members were given a draft, they should give their amendments in writing. The rapporteur, or, better, the Working Group, should incorporate those amendments that reflected the discussion and reject those which had not been taken up during examination of the report. Discussion would then be limited to those amendments, and not be open to contributions from the floor. Another idea was that members who did not turn in their comments would be waiving their right to comment later, unless they gave notice in writing of their intent to do so.

54. He suggested that with Mr. Buergenthal's amendments and those to which Mr. Tistounet had referred earlier, paragraph 6 could now be approved.

55. Mr. ANDO said that he was prepared to accept the paragraph. However, while he agreed that amendments which had not been accepted by the country rapporteur

should be discussed, those which had been accepted should not, beyond minor matters of wording and the like.

56. Mr. BUERGENTHAL explained that his amendment was intended to reflect the fact that a country rapporteur sometimes accepted an amendment in a form which changed the meaning to a degree that other members might find unacceptable.

57. Mr. EL-SHAFEI said that the idea was simply that when the text was introduced, the country rapporteur would indicate what changes had been incorporated.

58. The CHAIRMAN noted that when the country rapporteur did not accept a member's amendment, the member could raise the issue in plenary meeting. Sometimes, however, after the members had accepted a draft, the country rapporteur introduced changes in accordance with suggestions made by other members. In such cases, those members who had not wanted the changes in question made should have the right to discuss them.

59. Mr. EL-SHAFEI said that after the changes had been incorporated, the entire text should be submitted for discussion.

Overdue reports

60. Mr. ANDO introduced paragraphs 7, 8 and 9. Introducing paragraph 7, he said that the problem of States whose reports were overdue was becoming progressively more serious: there were approximately 20 States with two reports overdue, and seven with three overdue. In the Working Group's view, those States should be encouraged to submit any reports, and whatever reports they did submit should be taken up for consideration; the States concerned should then be given a new date. The Committee's previous practice had been to try to get such dilatory States back on schedule, but that had proved impracticable. Once a State had submitted its initial report, it could be asked to submit periodic reports at intervals of four years or less, instead of at five-year intervals. Flexibility was desirable.

61. A concern for flexibility also informed the Working Group's suggestion in paragraph 8 to the effect that States which encountered difficulty in submitting reports in the specified form might, on an exceptional basis, be allowed to submit oral reports instead.

62. With regard to paragraph 9, the Working Group's suggestion of publicizing the list of overdue reports was designed to avoid encouraging States to delay submitting their reports.

63. Mr. BRUNI CELLI recalled that the idea of consolidated reports from States whose reports were overdue had been discussed before. It had much merit, especially in the case of States with three reports overdue. The Centre for Human Rights in Geneva might be able to provide assistance in some instances. However, it was important for the Committee not to lose sight of its goals and purposes: it was not concerned with the formal details of the reporting process as such, but, in line with the provisions of article 40 of the Covenant, with the actual situation in the country concerned.

64. The proposed oral reports would involve difficulties, especially if the Committee had to deal with several of them at once. The idea might be feasible, provided an oral report was not a consolidation of several overdue reports of the type contemplated above, but only one overdue report. The publication of the list of overdue reports is a potentially useful measure.

65. Mr. LALLAH said that he understood the reason for the suggestion: an oral report was better than no report at all. However, written reports were greatly preferable. They constituted a permanent record. The Committee's reports were widely used, by non-governmental organizations among others. With oral reports, there would be no opportunity for Committee members to prepare for a country's report with the assistance of non-governmental organizations. Oral reports would be regarded as less worthy of being taken seriously, and the issue of unequal treatment of States parties would arise. States that came before the Committee were often asked what publicity their reports had been given in their respective countries; nothing of the sort would be possible with oral reports.

66. Mr. FRANCIS said that he agreed entirely with Mr. Lallah's remarks; in addition, another advantage of written reports was that members could take time to read them at their convenience. However, it would be desirable to encourage States that were delinquent with their reports under article 40 to take advantage of the opportunity to present an oral report. With respect to the consolidation of overdue reports, a four-year period for delinquent States was too generous; the worst offenders might relapse into the bad habit of not submitting reports at all. He suggested a period of three years at most; a shorter period would not be desirable, as the report might not contain enough material to be meaningful. The publicity suggested in paragraph 9 was a good idea, but perhaps the States concerned should be notified in advance.

67. Mr. POCAR associated himself with Mr. Lallah's remarks regarding paragraph 8. Although he agreed with the ideas contained in paragraph 7, the wording should be improved. Clearly, when an overdue report was presented, its contents would reflect the situation up to the time of its preparation; however, that did not mean that in such situations a State party should be permitted to submit a comprehensive report covering a period which should have been covered by two or more periodic reports. For example, the report immediately following a State party's initial report should be considered as its second report, however overdue it was. Furthermore, the Committee should be free to fix whatever time-frame it saw fit for the presentation of the following report. The Committee should be completely flexible, bearing in mind that a State party that had not complied with the periodicity rule was not entitled to protection under the rule itself.

68. Mr. BHAGWATI fully endorsed the remarks of Mr. Lallah regarding paragraph 8. He recalled that article 40 of the Covenant provided for written, not oral, reports. Regarding paragraph 9, he agreed that a list of the most seriously overdue reports should be made public at the end of the Committee's sessions; it would be appropriate to use that means of applying pressure to those States parties whose reports were seriously overdue. However, he suggested that the paragraph should specify a number of years in excess of which a State party would be included in the report, rather than a vague term such as "the most seriously overdue reports". He shared the views of Mr. Pocar concerning paragraph 7.

69. Mr. KLEIN said that he, too, shared Mr. Pocar's views on paragraph 7, and agreed with the remarks of the previous speakers regarding paragraph 8. Article 40 of the Covenant clearly required States parties to submit written reports; however, in the case of States parties which did not fulfil that obligation, an oral dialogue with the Committee might be the only opportunity for the latter to establish contact with the State party and to discuss the human rights situation in the country concerned. It would therefore perhaps be inappropriate to rule out completely such a possibility.

70. Mr. BUERGENTHAL agreed that it would not be wise or appropriate for the Committee to request an oral report from a State Member in place of a written report. However, there was a growing number of overdue reports, and something had to be done to put pressure on States parties in order to improve the situation. It would not be improper for States parties, starting with those whose reports were the longest overdue, to send a representative to a meeting of the Committee to explain the reason for the delay and to inform the Committee as to when the report would be produced. He expressed agreement with the remarks of Mr. Pocar on the subject of paragraph 7 and with those of Mr. Bhagwati regarding paragraph 9.

71. Mrs. CHANET said that the Working Group had decided not to rule out the question of oral reports, because of the considerable material difficulties which States parties often encountered in preparing their written reports. It was often the case that States parties which were in such situations were none the less willing to engage in a dialogue with the Committee. Furthermore, it should be borne in mind that in many cases, the written reports submitted by States parties contained little useful information, and it was when the accompanying oral presentation was made that a genuine and useful exchange of information and views took place. The wording of paragraph 8 could perhaps be amended in such a way as to avoid absolutely excluding the possibility of States parties presenting oral reports, while making it clear that it would be permitted only in very exceptional circumstances and at the initiative of the Committee.

72. Mr. TISTOUNET (Secretary of the Committee) recalled that there had been a number of special cases in which States parties which had real practical difficulties in producing a report of the type required under article 40 had submitted "reports" which were more akin to core documents. It should be borne in mind that in some cases the receipt of such a document had been followed by a meeting with the State party during which the Government had provided orally the type of information required by the Committee.

73. Mr. LALLAH said that the type of document described by Mr. Tistounet could arguably be said to be a report under article 40 of the Covenant. In such cases, the Committee should grasp the opportunity offered to it to establish a dialogue with the State party. It was also possible that in certain cases the Committee might wish to request a State party to report to the Committee on its general legal framework; that would serve as a useful starting-point and could lead to more detailed discussions of the progress achieved by that State and the difficulties it had encountered.

74. Mr. FRANCIS said that it would be far preferable to encourage States parties to send written reports, even in abridged form, to be complemented by

their oral presentations to the Committee. He also agreed that States parties which were having difficulty in producing written reports should be encouraged to avail themselves of technical assistance from the Centre for Human Rights.

75. Ms. EVATT agreed that the Committee should keep a very flexible approach to States parties which had been late with several reports. Without releasing them from their obligations, it was possible to be flexible as to the time-frame for their later reports. As to paragraph 8, although she would have been satisfied with the wording as it stood, the most important thing was for the Committee to create an opportunity to have a discussion with the representatives of States parties which were very late with their reports. The most appropriate approach might be to invite them to have an initial exploratory dialogue with the Committee; that could lead to better understanding and enable agreements to be reached as to how the reporting process would proceed. It was quite unacceptable for a State party to continue for 10 or 15 years without submitting anything in writing to the Committee or sending any representative to appear before it. She could accept an amendment to paragraph 8 to the effect that States parties would be invited to send representatives to discuss their problems with the Committee.

76. Mr. BHAGWATI recalled that there was no scope under the terms of the Covenant for an oral report to be accepted in place of a written report. However, it would be legitimate to invite a State party to send a representative to discuss the reasons for an undue delay in the submission of its report; that would be an entirely different matter, and would in some cases enable the Committee to advise the State party to obtain technical assistance from the Centre for Human Rights.

77. Mr. BÁN said that the Committee appeared to have reached a general consensus regarding paragraph 7, at least in respect of the amendment proposed by Mr. Pocar. Regarding paragraph 8, he was inclined to agree with the remarks of Mr. Lallah. When States parties had material difficulties in preparing written reports, the Committee should decide on a case-by-case basis. As to the proposal made by Ms. Evatt, it seemed likely that when a State party was unwilling or unable to submit a written report, if it was invited to send a representative to a meeting of the Committee, it would send an ambassador rather than a member of the Government; he did not however oppose the proposal.

78. He had some difficulty with the current wording of paragraph 9, which seemed to suggest that at the end of each of the Committee's sessions, a list of "guilty" States parties would automatically be published. That would be unfair in cases where States parties had encountered genuine material difficulties in preparing their reports. In any case, the Committee's annual reports contained lists of States parties whose reports were overdue.

79. Mr. POCAR recalled that the five-year period between reports had been fixed by the Committee, and that if a State party failed to adhere to that schedule, it placed itself outside the usual procedure and the Committee could then decide what should be done.

80. Mr. BRUNI CELLI recalled that article 40, paragraph 1 (a), of the Covenant, required States parties to present their initial reports within one year of the entry into force of the Covenant, and that the Committee had decided that

reports should be presented every five years thereafter. He wondered whether any change in the Committee's rules of procedure would be required in order to allow for exceptions to the generally established periodicity of State party reports.

81. Ms. MEDINA QUIROGA, supported by Mr. Klein, suggested that the wording of paragraph 8 might be amended to the effect that States parties having difficulty in preparing written reports might be invited to submit reports on specific articles of the Covenant rather than on the Covenant as a whole; it would also be useful for that paragraph to allow for the possibility of inviting a representative of a State party to meet with the Committee to discuss the difficulties it was encountering. Such provisions would only be used when the Committee considered it necessary to do so.

82. The CHAIRMAN, speaking in his personal capacity, said that he had some difficulties with paragraph 8. It was important to take into account Mr. Lallah's remarks concerning what was permissible under article 40 of the Covenant. Also, when a State party submitted a report under article 40, even if that report did not comply with the Committee's guidelines or was in fact a core document rather than a report in the usual sense of the word, it should nonetheless be accepted as a report under article 40 when that was clearly the intent of the State party.

83. Regarding the consolidation of reports, he agreed with the remarks of Mr. Pocar and Mr. Lallah. When States parties claimed to be having difficulties in preparing written reports, their representatives should be invited to meet with the Committee as a whole to explain those difficulties. He considered that in many cases the reasons given by States parties for their reports being overdue lacked credibility, since the resources required for the preparation of a written report were not very great. Appropriate pressure should be brought to bear when certain States parties appeared reluctant to fulfil their obligations to submit regular written reports to the Committee.

84. He said that a new draft of paragraphs 7, 8 and 9 would be prepared for the next meeting, and he hoped that consensus would be achieved at that time.

The meeting rose at 1.05 p.m.